

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 20, 2013

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

GOOD AND WELFARE

No one spoke.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. McGee, Mr. Zwolenski and Mr. Flaherty. Ms. Alves had a business commitment and arrived later. Mr. Yazbak was out of town. Town Solicitor Lombardi was present.

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Administrator Hamilton also had a prior business commitment and arrived later.

HOLIDAY SALES LICENSE - COLBEA ENTERPRISES LLC D/B/A SHELL #45

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve a holiday sales license for Colbea Enterprises LLC d/b/a Shell #45 located at 780 Great Road.

OUTDOOR SOUND SYSTEM PERMIT - J. CARDELLO

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted

unanimously on an aye vote to move this item up next on the agenda.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve an outdoor sound system for Mr. Joseph Cardello of 174 Woonsocket Hill Road on June 8, 2013 from 2:00 P.M. to 10:00 P.M.

PUBLIC HEARING CHICKEN HEN ORDINANCE

Mr. Flaherty commented that the current zoning ordinance allows for chickens to be kept except in an RU zone. This ordinance sets additional standards that must be met and protects neighbors.

Mr. McGee did not feel chickens should be kept at all unless a person lives on a farm or has a lot of acreage. They are bothersome to neighbors.

Mr. Zwolenski felt some of the standards need to be made a little clearer. He questioned who would enforce these standards and should fines be incorporated. Mr. Zwolenski especially did not approve of having chickens on a side yard.

Mr. Eric Piette of 32 Greenwood Street knows an individual whose neighbor raises chickens and they do produce quite an odor. He suggested adding a restriction on closeness to a property line.

(Ms. Hamilton arrived at 7:20 P.M.)

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to continue the public hearing to July 15, 2013.

LAURELWOOD WATER BOOSTER PUMP STATION

Ms. Hamilton explained that several years ago Laurelwood developer, John Boucher, had been required to install the water booster pump station by the town and he is now waiting for the town to accept ownership of it and to maintain it. She doesn't feel this is something the town would ever want to do again in the future.

In response to a question from Mr. Zwolenski, Mr. Boucher answered that the booster station was a stipulation placed by the Planning Board.

Mr. Zwolenski asked if all installations had been made from the Geremia & Associates checklist and whether all payments have been made to Geremia & Associates, roughly \$2,000. He would like everything done before the town accepts the pump station.

Mr. Boucher explained that the as-builts are not complete because the manufacturer has to come to start the system and they will provide the as-builts. He is unable to complete the checklist until the system is fully operational.

Mr. McGee did not initially like the idea of taking over a booster pump station for a private development. However, he did do some investigation and, although this is not the way he would have liked things to be done, Mr. McGee feels the town's hands are tied and the station must be accepted.

(Ms. Alves arrived at 7:39 P.M.)

Mr. Flaherty was concerned about setting a precedent and where the funds would come from for maintenance.

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Water Superintendent Russell Carpenter stated he has a line item in the budget for maintenance.

MOTION by Mr. McGee, seconded by Mr. Flaherty, and voted 3 to 0 on a roll call vote (Ms. Alves did not vote since she missed the majority of the discussion) to amend the easement agreement as follows: The fourth paragraph that begins with "Whereas" should read "WHEREAS, Landlord Laurelwood wishes (i) to convey all of its right, title and interest in and to the Water Booster Equipment", etc. and No. 4 should read, "The Town further covenants and agrees that the Town shall operate the Water Booster Equipment and related appurtenances. exclusively for the Laurelwood Adult Community

Condominium.

Mr. Carpenter assured the Council that the items on the check list have been taken care of.

There was some discussion about who would be responsible for maintaining the system and at what point in time.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote (Ms. Alves opted not to vote since she missed a majority of the discussion) that the Town of North Smithfield will accept the water booster pump station located at Laurelwood contingent upon the following: that the outstanding issues listed in the March 5, 2012 letter from James J. Geremia & Associates Inc. are met and that the town is reimbursed for any financial obligations and fees that the town has paid for. Upon activation of the water booster pump station to the satisfaction of the water superintendent, the town should accept the water booster pump station. The town is not setting precedent for acceptance of any other infrastructure for any development.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote (Ms. Alves did not vote) to authorize the Town Administrator to execute the easement agreement subject to satisfactory operation of the water booster pump station as determined by the water superintendent.

Mr. McGee wished to affirm that the town was obligated to accept the water booster pump station.

ZONING ORDINANCE AMENDMENT RE: SECTION 17 SITE PLAN REVIEW

Mr. Flaherty recommended this be continued as he did not feel there was adequate information in the packet and also because the Town Planner was unavailable to discuss it this evening.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to continue the public hearing and the first reading to August 5, 2013.

ORDINANCE AMENDMENT RE: SECTION 16-8 SUBDIVISION STREETS AND RELATED PUBLIC IMPROVEMENTS ACCEPTANCE

Mr. Zwolenski felt there will be a flurry of questions regarding acceptance of infrastructure. The land development subdivision regulations are pretty clear and once the Planning Board accepts a street, it is approved. His only concerns are concessions such as those pertaining to road width, construction materials, or underground infrastructure that are given. Coming before the Council after that seems unnecessary.

Mr. Flaherty had concerns about the town accepting infrastructure. The town has more infrastructure than it has the capacity to maintain.

However, the town has already accepted many subdivision roads just by the fact that the town already plows and maintains them and pays National Grid for the street lights. The Town Planner had suggested the town may want to look into Stormwater Utility Districts which help to recover those costs.

MOTION by Ms. Alves, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on a roll call vote to accept this as a first reading.

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MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted to continue this for a second reading to August 19, 2013.

ORDINANCE AMENDMENT RE: SECTION 11-7 LIMITATION OF CLASS BV RETAIL ALCOHOLIC BEVERAGE LICENSES

Mr. McGee recused himself from this discussion as he owns a restaurant that serves alcoholic beverages.

The town presently allows for eight BV retail liquor licenses and this ordinance would increase the number to eleven.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 0 on a roll call vote to accept this as a first reading.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 0 on an aye vote to continue this to August 19, 2013 for a second reading.

CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to remove the payment of bills from the consent agenda.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to approve the following: 1.) Council minutes of May 6, 2013; 2.) Budget Committee minutes of April 7 and 15 & May 13, 2013; 3.) Animal Control Monthly report for April 2013; 4.) NSF&RS Inc. Monthly Incident report for April 2013; 5.) NS Municipal Court Monthly Activity report for April 2013; 6.) Resolution re: Bus Monitors from the South Kingstown School Department; 7.) Resolution to Eliminate Straight Party Vote from the South Kingstown School Department; and 8.) Resolution Opposing Contract Continuation Legislation from the Town of Charlestown.

PAYMENT OF BILLS

Because there was a separate invoice from Partridge, Snow & Hahn LLP, Mr. Zwolenski questioned if they were perhaps duplicates of those included in the bill packet.

Mr. Lombardi explained that former Town Solicitor Richard Nadeau was continuing to work on and finish up some cases that he had been involved with prior to Mr. Lombardi being appointed as Solicitor.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve payment of the following: General Fund - \$211,945.25; Sewer - \$22,952.68; Water - \$2,529.16; School Department - \$1,498,072.00; and Fire Department - \$237,427.09 for a total of \$1,930,646.09.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve payment of invoices for Partridge, Snow & Hahn in the amount of \$2,087.80.

TOWN COUNCIL TWO-YEAR WORKPLAN

Mr. Flaherty reviewed the status of the goals of the Council two-year workplan that include economic development, infrastructure and budget/administration.

RESOLUTION RE: PUBLIC FACILITIES ADVISORY TASK FORCE

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to adopt the following resolution: “WHEREAS, there are a number of public facilities owned by the Town of North Smithfield. WHEREAS, there is no long range plan on the usage and upkeep on these properties. WHEREAS, the Town needs to identify 1.) the highest and best use of all town-owned facilities, 2.) a capital

improvement strategy and related time-table, and 3.) a responsible method for funding suggested improvements. NOW, THEREFORE, BE IT RESOLVED, the Town Council hereby creates a North Smithfield Public Facilities Advisory Task Force to identify 1.) the highest and best use of all town-owned facilities, 2.) a capital improvement strategy and related time-table, and 3.) a responsible method for funding suggested improvements. BE IT FURTHER RESOLVED, the Task Force shall be comprised of one member that may be appointed by the Town Administrator and one representative may be appointed by and from the membership of each of the following entities: Town Council, Budget

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Committee, Conservation Commission, Economic Development Commission, Historic District Commission, Parks & Recreation Commission, Planning Board, Public Safety Commission, Redevelopment Agency, School Committee, Sewer Commission, Zoning Board of Review and Library Board of Trustees. The N.S. Fire Chief and Chief of Police may each appoint one member from their respective departments. BE IT FURTHER RESOLVED, the Task Force will elect officers at its first meeting in June 2013, will follow Roberts Rules of Order in its deliberations and will comply with the requirements of the Rhode Island Open Meetings Act. The Task Force is expected to meet once per month between June and August and at least twice per month between September and December, 2013. The Task Force Chair will be expected to deliver a Findings

Analysis & Recommendations Report before a Public Hearing called by the Town Council no later than January 20, 2014, at which time the Task Force's work will be complete. The final report should include a grid (similar to the attached) outlining preferred options for the future use of all town-owned facilities. BE IT FURTHER RESOLVED, This will be a working committee and members will be expected to divide the research assignments for all town facilities, evaluating present use, condition, capacity and any past studies. This will include conducting interviews with organizations or departments that use such facilities to better understand space needs, constraints, capital improvement needs, etc. and documenting findings for Task Force review and discussion and inclusion in the Task Force's final report. BE IT FURTHER RESOLVED, The Task Force will review all previously conducted research on space needs and capital improvement estimates and incorporate same into a comprehensive recommendation to the Town Council. At such time as deemed necessary, the Task Force Chair may request the Town Council's approval to retain professional services for developing feasibility analyses and order-of-magnitude estimates for capital improvements not yet quantified."

APPOINTMENT OF PLANNING BOARD 2ND ALTERNATE

There was no appointment.

APPOINTMENT TO SEWER COMMISSION

There was no appointment.

APPOINTMENT OF ZONING BOARD 2ND ALTERNATE

There was no appointment.

YEAR-END TRANSFER

Finance Director Brenda MacDonald explained there was a capital lease that was paid off in 2012 but not taken out of the budget. There is a balance remaining of \$81,021.00. Mrs. MacDonald would like to transfer these funds into the Contingency account to cover the cost of invoices for ADM Construction for replacement of 15 North Smithfield Elementary School windows in the amount of \$19,900.00 and approved by the Town Council at a prior meeting.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to move \$81,021.00 from Debt Service (Account No. 1-001-4711-831 for \$76,490.00) and Debt Interest (Account No. 1-001-4712-831 for \$4,531.00) to Contingency.

ROBINSON GREEN BERETTA CORPORATION INVOICES

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to approve four RGB Corp. invoices totaling \$2,486.44 for consultant costs associated with the replacement of 15 windows at the North Smithfield Elementary School.

WOONSOCKET/NORTH SMITHFIELD WASTEWATER AGREEMENT

Ms. Hamilton is still in the process of negotiating this agreement. For

background information, Ms. Hamilton noted that there are different allocations for any upgrade for each community involved; Woonsocket (82%), North Smithfield (11.7%), Blackstone (4.6%) and Bellingham (1.7%). Based on the allocation, North Smithfield pays a fee for wastewater to be disposed of in the Woonsocket system. What makes this agreement different from previous ones is that Woonsocket now wants to implement a host fee of \$311,931. Of that amount North Smithfield would pay \$194,090.00. The Town of Blackstone has joined with North Smithfield in questioning this host fee. Ms. Hamilton asked what the host fee was based upon and was told it was based on a

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change in the allocation derived by Mr. Michael Annarummo. Ms. Hamilton has been told that North Smithfield paid less over the past ten years so she asked for those numbers but has not received them yet. She asked if the fee would be consistent over the next several years and could not get an answer. She was also concerned that this host fee would not be going into the Enterprise Fund but directly to the City of Woonsocket's general fund. Ms. Hamilton asked if this was legal and was told Woonsocket has documents from the State that it is. If this is a tax for the benefit of using the system, she asked why this had just come up and was told it was due to the lack of quality of life for the Woonsocket residents because of the facility being located there. Ms. Hamilton wondered how the money would improve the quality of life and once again received no answer. If the

money comes from the ratepayers, it will be a substantial increase for them. Ms. Hamilton stated that in the draft there is a three-year provision that either side can opt out three years in advance. She is not inclined to pay until the information that was requested is received. However, if the fee is not paid, the clock is ticking and the town would have to find an alternate wastewater facility.

Mr. Zwolenski asked Ms. Hamilton to contact the State directly to learn if it is legal for the host fee to go into Woonsocket's general fund instead of the Enterprise fund. He thought that would be better than waiting to get the information from the city.

RESIGNATION FROM JUVENILE HEARING BOARD - K. HAMMANN
MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to accept the resignation of Kevin Hammann and to send him a letter of thanks.

APPOINTMENT TO JUVENILE HEARING BOARD
MOTION by Mr. McGee, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Maureen A. Donnelly of 4 Gilfillan Road to the Juvenile Hearing Board. This is a three-year term that expires on December 1, 2015.

BUDGET ADOPTION PROCESS

The Budget Committee presented its budget to the Town Council on April 15th. The School Committee had subsequently prepared a

response. There has not yet been any direct communication between the School Committee and the Town Council. Mr. Flaherty realizes there has been a lot of animosity in this process. He noted that the Budget Committee is appointed by the Town Council to evaluate each department's budget and make recommendations. It is up to the Town Council to make the final decisions. Mr. Flaherty would like to have an agreement in the future as to how the School Committee budget is presented to the Budget Committee. Because it appears that not all revenue has been accounted for in the School Department budget, it leaves questions. Mr. Flaherty would like to convene a joint meeting with the Town Council, the School Committee and the Budget Committee, including any experts. The date of June 3rd was offered as a time for the joint meeting, June 17th for the public hearing and June 20th for adoption of the budget.

MOTION by Ms. Alves, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on an aye vote to adjourn at 9:59 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk